



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E.G.

US EPA RECORDS CENTER REGION 5



482705

REPLY TO THE ATTENTION OF:

JAN 27 1994

HSE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Egan Marine Corporation
c/o Dennis H. Egan
Oak Canal Road
Lemont, IL 60439

Subject: Egan Marine Corporation
Request for Information Pursuant to Sections 311 and
308 of the Clean Water Act, 33 U.S.C. §§ 1321 and 1318.

Dear Mr. Egan:

The United States Environmental Protection Agency ("U.S. EPA") is currently investigating the source, extent and nature of the discharge of oil or hazardous substances into or upon the navigable waters of the United States from the Egan Marine Corporation vessel, Barge EMC 310, while docked at the Clark Oil & Marketing, 131st Street and Kedzie Avenue, Blue Island, Illinois. This investigation requires inquiry into the events which surrounded the release of oil or hazardous substances.

Pursuant to the authority of Sections 311(m) and 308(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1321(m) and 1318, you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty (20) days of receipt of this letter can result in enforcement action by U.S. EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319, which authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001. The



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U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is directed to your company, its officers, directors, and employees and its subsidiaries, divisions, facilities and their officers, directors and employees. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35.

Your response to this Information Request should be mailed to:


Jeffrey M. Cox
Assistant Regional Counsel
U.S. Environmental Protection Agency, CM-3T
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Please direct any questions you may have to Mr. Cox at (312) 353-3112.

Due to the seriousness of the problem associated with the Egan Marine Corporation barge and the legal ramifications of your failure to respond promptly and properly to this Information Request, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,


William E. Muno
Director, Waste Management Division

Enclosure

Request for Information
Pursuant to Sections 311(m) and 308 of the Act

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to Egan Marine Corporation ("Egan") as of the date of submission of its response should later become known or available, Egan must supplement its response to U.S. EPA. Moreover, should Egan find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Egan must notify U.S. EPA as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Any written statements in your response must be notarized and returned under an authorized signature certifying that all statements contained in the response are true and accurate to the best of the signatory's knowledge and belief.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
9. U.S. EPA regulations concerning confidentiality and treatment of business information are contained in 40 C.F.R. Part 2, Subpart B. Information may not be withheld from the Administrator or his authorized representative because it is viewed as confidential. However, when requested to do so, the Administrator is required to consider information to be confidential and to treat it accordingly, if disclosure would

divulge methods or processes entitled to protection as trade secrets (33 U.S.C. §§ 1318(b) and 1321(m)(2)(D), and 18 U.S.C. § 1905), except that effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) may not be considered by U.S. EPA as confidential. The regulations provide that one may assert a business confidentiality claim covering part or all of any trade secret information furnished to U.S. EPA at the time such information is provided to the Agency. The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). In the event that a request is made for release of information covered by such claim of confidentiality or the Agency otherwise decides to make a determination as to whether or not such information is entitled to such confidential treatment, notice will be provided to the claimant prior to any release of the information. However, if no claim of confidentiality is made when information is furnished to U.S. EPA, any information submitted to the Agency may be made available to the public without prior notice.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Egan" shall mean the addressee of the Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The "facility" shall mean and include the entire property on which the Clark Oil & Marketing, 131st Street and Kedzie Avenue, Blue Island, Illinois, is and was located.
4. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).
5. The term "hazardous substances" shall have the same definition as that contained in Section 311(a)(14) of the Act, 33 U.S.C. § 1321(a)(14), including the substances listed in 40 C.F.R. Part 116.
6. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of Egan. Where specific information has not been memorialized in

any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

9. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

10. The term "discharge" shall have the same definition as that contained in Section 311(a)(2) of the Act, 33 U.S.C. § 1321(a)(2), which includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

11. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts,

(d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

12. The term "vessel" shall have the same definition as that contained in Section 311(a)(3) of the Act, 33 U.S.C. § 1321(a)(3), and specifically includes the Egan barge EMC 310.

13. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

1. Describe, in detail, the discharge which occurred on or about June 19, 1993, from the vessel and the response to the discharge, including, but not limited to the following:

- A. The duration, amount and type of oil released;
- B. A description of the possible causes for the discharge;
- C. A description of the area affected by the discharge. Include an assessment of the damage to both public and private property, and to wildlife, resulting from the discharge and ensuing clean-up efforts.
- D. A description of any evacuation and or road/closing(s) necessary as a result of the discharge. This should include the duration and extent of the evacuation and or closing(s);
- E. A complete narrative of response efforts. Include the number of people involved, total man hours, duration of the clean-up, a list of all equipment used, and a breakdown of the total cost of the response. Also include a current description of any areas affected by the discharge and the response efforts, and a narrative of current and future clean-up efforts resulting from the discharge.
- F. A summary of the treatment and disposal of all oil and oil waste collected during the clean-up, including amounts and types of waste and any waste manifests.

2. Estimate the total amount of oil discharged from the vessel.

3. State any authority that was given to Egan that allowed the discharge of oil and/or wastewater into the Cal-Sag Channel or any other types of permits issued to Egan subsequent to the discharge.

4. Submit copies of all sampling data of samples taken from the area surrounding the discharge, along with any other type of sampling done related to the discharge.

5. Submit copies of all reports and studies, if any, regarding the discharge, the response efforts, damage assessment, and any other event or result related to the discharge beginning on or about June 10, 1993.

6. Submit all copies of correspondence with the Illinois Environmental Protection Agency since June 10, 1993, that involve the discharge, the response, and any other discharge-related event.

7. Submit a detailed map of the area of the discharge. Show the extent of the discharge, the areas that were evacuated, the roads that were closed, and any other pertinent details.

8. If any current monitoring of the discharge area(s) exists, explain the type of monitoring and submit any reports or results. Do not include reports and data already submitted pursuant to this information request.